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SUBJECT: PROGRESS ON HUMAN RIGHTS COMMISSION HALTED

REF: 09 BAGHDAD 2925

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Classified By: Political Minister Counselor Gary A. Grappo for Reasons
1.4 (b) and (d).

¶1. (C) SUMMARY: Despite encouraging signs just a few months ago, progress on establishing an independent Human Rights Commission has been halted as Iraq's political factions squabble over who should serve on the Committee of Experts that will ultimately select the Commission's directors. Iraqi politicians close to the process tell us that they are not optimistic that the impasse will be resolved before the elections and thus progress on establishing the Commission will be set back by at least a year due to the expected drawn out process of government formation. END SUMMARY.

PROGRESS HALTED

¶2. (C) In November 2008, the Parliament passed implementing legislation for the creation of an independent Human Rights Commission, as called for in Article 99 of the Iraqi Constitution. The Commission is intended to serve as an independent, non-government complement to the Ministry of Human Rights in reporting on abuses throughout the country. The implementing legislation calls for the creation of a Committee of Experts whose task is to accept applications and to select 11 commissioners and three alternates for the Commission, who will each serve four year terms. In October 2009, there appeared to be agreement on the selection of 14 individuals to serve on the Committee of Experts and the Committee began its work in soliciting applications for the commissioner positions (reftel). In early November, the Fadilah party raised an objection to how the members of the Committee of Experts were selected and how the Committee could begin its work before its members were approved by the Parliament as required in the implementing legislation. This prompted Speaker Ayad al-Samarrai to send a letter to the Committee of Experts on November 21 telling them that their work "should be stopped until the adoption of this committee by the Council of Representatives."

LIKELY TO BE PUSHED OFF FOR ANOTHER YEAR

¶3. (C) On December 29, Pol M/C met with the head of the Parliament's Human Rights Committee, Mohamed al-Haydari (Shia/independent), who raised the establishment of the Human Rights Commission as a potential success story in the area of human rights, but who said that the entire process was delayed pending a Parliamentary vote on the Committee of Experts. On January 11, Poloff met with MP Hunein al-Qaddo (Shabak/independent) who also serves on the Human Rights Committee and is ostensibly the chair of the Committee of Experts. Qaddo said that the issue of composition of the Committee of Experts was debated in the Parliament on January

10 and that the Fadilah Party had insisted on the inclusion of MP Sabah al-Sahdi who is currently the head of Parliament's Transparency Committee. (NOTE: The Fadilah Party is well known for its criticism of Iraq's other commission, the Independent High Electoral Commission (IHEC).

END NOTE). Qaddo also stated that the Kurdish bloc was opposed to his (Qaddo's) inclusion on the Committee of Experts because of political disputes that he has had with Kurds in the past. Qaddo said that he was not optimistic that the Committee would complete its work anytime in the near future, and that he was thinking of resigning from the Committee because it would be impossible to select independent commissioners with so much political pressure focused on the process.

14. (C) Likewise, MP Shatha al-Obosi (Tawafuq/Human Rights Q4. (C) Likewise, MP Shatha al-Obosi (Tawafuq/Human Rights Committee) told Poloff on January 11 that she would resign from the Committee of Experts if Sabah al-Sahdi were added because he had (falsely) accused her of meeting with Ba'athists in Syria during a recent trip. At the same time, al-Obosi said that her party, Tawafuq, was insisting that MP Omar Haechel al-Jabouri (a bigger figure in the party) also be added to the Committee of Experts and that a Sunni ultimately be given the role of chairing the Human Rights Commission. Obosi said that Samarrai had referred the dispute over the composition of the Committee of Experts to a bloc leaders meeting in the future. She believed that this meeting was very unlikely to occur before the elections as the bloc leaders would be too occupied with the campaign and that the decision in effect meant putting off forming the Commission for another year. Obosi thought this was the wrong decision given that the Committee of Experts had already received more than 1,500 applications for the Commission and that there was a slight possibility that the current Committee (albeit unapproved) would continue to work

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on sorting through the applications to find the best candidates.

15. (C) COMMENT: While the new roadblocks to the establishment of an independent Human Rights Commission are an unfortunate development, they are not unexpected given the sectarian nature of Iraqi politics. The move by the Committee of Experts to begin work without official Parliamentary sanction appears to have been a bold attempt to establish the Human Rights Commission before the elections, but one which ultimately backfired by failing to achieve political consensus beforehand. It has not helped matters that many members of the Committee of Experts (most notably Qaddo, but also Obosi and MP Zakia Hakki) are relative light weights in their parties or are unaffiliated with major party blocs. END COMMENT.

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